IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.6930 of 2006

Smt.Harjeet Kaur Petitioner

Vs.

Smt.Asmabi Shaikh & anr. Respondents

Ms.Harjeet Kaur in person.

Ms.Rohini Dandekar i/b Berarwalla & Co. for respondents.

CORAM: B.H.MARLAPALLE,J.

March 30, 2007.

P.C.

. Eviction Case No.19/1989 was decided and the eviction decree was passed on 29/7/1992 so as to hand over the vacant and peaceful possession of the suit premiss viz. living room, kitchen and toilet of flat no.2 (subsequently numbered as flat no.14). The said decree was sought to be executed by the bailiff on 24/11/1995 but it could not be executed. As of now there is no stay on the said decree and, therefore, Misc. Application NO.14 of 2006 was taken out by the landlady before the competent authority under the

Maharashtra Rent Control Act, 1999 for issuing the possession warrant of the suit premises. After hearing both the parties the possession warrant has been issued by the impugned order dated 14/9/2006 by the competent authority, Konkan Division, Mumbai.

. The petitioner, party-in-person and who is the daughter of the original licensee has filed this petition challenging the execution of warrant issued by the competent authority. She has expressed apprehensions that under the pretext of executing the eviction decree the entire premises i.e. flat no.2/14 may be taken away from her possession. There is no reason to support such an apprehension when the competent authority has clearly noted that from the judgment dated 29/7/1992 the bedroom, which is part of flat no.2/14 was not the subject matter of the leave and licence agreement and, therefore, the eviction decree was not applicable to any area beyond the suit premises i.e. living room, kitchen and toilet. Challenge to the impugned order on any other grounds is devoid of merits and, therefore, the petition must fail at the threshold.

. The petition is hereby rejected summarily and

it is made clear that the warrant of possession shall be executed only in respect of the suit premises.

(B.H